

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No.495 of 1998

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For Approval and Signature:

Hon'ble MR.JUSTICE K.G.BALAKRISHNAN

and

MR.JUSTICE J.M.PANCHAL

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?

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INDU NISSAN OXO CHEMICALS INDS.LTD.

Versus

UNION OF INDIA  
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Appearance:

NANAVATI ASSOCIATES for Petitioners  
MS AVANI S MEHTA for Respondent No. 1  
SERVED BY DS for Respondent No. 4  
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CORAM : MR.JUSTICE K.G.BALAKRISHNAN and  
MR.JUSTICE J.M.PANCHAL

Date of decision: 04/02/98

ORAL JUDGEMENT : (Per K.G. Balakrishnan, J.)

Rule. Service of rule is waived by Ms.Avni S. Mehta, learned Central Govt. Standing Counsel on behalf of respondent no.1.

2. The petitioners challenge order dated 10.6.1996

passed by respondent no.3, Annexure 'A' and order of attachment dated 8.9.1997, Annexure 'B'. It is submitted that the petitioners have filed an appeal before the Commissioner of Central Excise (Appeals), Vadodara, respondent no.2 herein. The petitioners moved stay application too in the above appeal, which is pending consideration. It is submitted that in the meanwhile the authorities have attached the goods belonging to the petitioners. The petitioners pray for stay of further proceedings pursuant to the impugned orders.

3. Having regard to the facts and circumstances of the case, we direct respondent no.2 herein to dispose of the stay application by passing appropriate orders at the earliest, within the period of one month from the date of receipt of writ of this judgment. Till such time the authorities shall not take further coercive steps for recovery of the dues payable under the impugned orders. Rule is made absolute. No order as to costs.

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